

AMENDED IN ASSEMBLY APRIL 28, 2010

AMENDED IN ASSEMBLY APRIL 13, 2010

CALIFORNIA LEGISLATURE—2009–10 REGULAR SESSION

ASSEMBLY BILL

No. 1831

Introduced by Assembly Member Solorio
(Coauthors: Assembly Members Ammiano, Brownley, and Torlakson)

February 11, 2010

An act to amend ~~Section 8482.3~~ *Sections 8482.3 and 8483.55* of the Education Code, relating to after school programs.

LEGISLATIVE COUNSEL'S DIGEST

AB 1831, as amended, Solorio. After school programs.

The After School Education and Safety Program Act of 2002, enacted by initiative statute, establishes the After School Education and Safety Program to serve pupils in kindergarten and grades 1 to 9, inclusive, at participating public elementary, middle, junior high, and charter schools. The act provides a formula for determining an amount to be continuously appropriated from the General Fund to the State Department of Education to provide grants to schools participating in the program. The existing act authorizes the Legislature to amend certain of its provisions to further its purposes by majority vote of each house.

This bill would require a program plan to describe the manner in which the program will support English language development and acquisition for English learners if English learners comprise 25% or more of the pupils enrolled in a program. The plan would be required to include strategies that increase knowledge and usage of the English language and methods for training and professional development of

staff that are designed to support English language development and acquisition for English learners.

The After School Education and Safety Program Act of 2002 requires the State Department of Education to provide technical assistance to new programs and programs that are not meeting goals and request assistance.

This bill would require technical assistance provided by the department to include training and professional development for support in English language development and acquisition for English learners.

This bill would set forth a legislative finding and declaration that the proposed amendments further the purposes of the existing act.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. (a) The Legislature finds and declares as follows:
- 2 (1) California public elementary and secondary schools enroll
- 3 1.5 million English learners who make up 24 percent of the total
- 4 enrollment in the state's public elementary and secondary schools.
- 5 (2) In some California school districts, English learners comprise
- 6 an even greater share of all pupils. In the Los Angeles Unified
- 7 School District, more than 220,000 pupils are English learners,
- 8 comprising 32 percent of all pupils. In the Santa Ana Unified
- 9 School District, more than 32,000 pupils are English learners,
- 10 comprising 56 percent of all pupils.
- 11 (3) In 2007, there were 404,847 public school pupils in
- 12 California served by state and federally funded after school
- 13 programs.
- 14 (4) Proposition 49 resulted in a significant increase in funding
- 15 for after school programs. Funding for after school programs
- 16 increased from fifty million dollars (\$50,000,000) in 1999 to five
- 17 hundred fifty million dollars (\$550,000,000) in 2007 as a result of
- 18 Proposition 49.
- 19 (5) English learners lag behind English speakers in academic
- 20 achievement in language arts, mathematics, standardized tests,
- 21 high school graduation rates, and college enrollment.
- 22 (6) Researchers attribute this achievement gap, in part, to not
- 23 enough instructional time to allow English learners to acquire the
- 24 language and to learn academic material.

1 (7) Research on English learner performance in after school
2 programs shows that these programs significantly increase language
3 acquisition rates for English learners and decrease the time it takes
4 these pupils to redesignate into mainstream English classrooms.

5 (8) California's competitiveness depends on an educated and
6 productively engaged populace.

7 (9) It is important that English learners have an equitable
8 opportunity to participate in after school programs funded by
9 Proposition 49 because providing them with quality after school
10 programs will increase their ability to learn English more promptly,
11 increase their success in school, enhance their career opportunities,
12 and improve California's competitiveness in the world.

13 (b) Therefore, it is the intent of the Legislature to ~~amend the~~
14 ~~After School Education and Safety Program Act to additionally~~
15 ~~ensure that English learners are afforded equal access to after~~
16 ~~school programs by reserving 24 percent of the overall funding~~
17 ~~for after school programs that serve these pupils. require program~~
18 ~~providers to develop a plan for supporting English language~~
19 ~~development and acquisition for English learners.~~

20 SEC. 2. Section 8482.3 of the Education Code is amended to
21 read:

22 8482.3. (a) The After School Education and Safety Program
23 shall be established to serve pupils in kindergarten and grades 1
24 to 9, inclusive, at participating public elementary, middle, junior
25 high, and charter schools.

26 (b) A program may operate a before school component of a
27 program, an after school component, or both the before and after
28 school components of a program, on one or multiple schoolsites.
29 If a program operates at multiple schoolsites, only one application
30 shall be required for its establishment.

31 (c) Each component of a program established pursuant to this
32 article shall consist of the following two elements:

33 (1) An educational and literacy element in which tutoring or
34 homework assistance is provided in one or more of the following
35 areas: language arts, mathematics, history and social science,
36 computer training, or science.

37 (2) (A) An educational enrichment element, that may include,
38 but need not be limited to, fine arts, career technical education,
39 recreation, physical fitness, and prevention activities.

40 (3)

1 (B) Notwithstanding any other provision of this article, the
2 majority of the time spent by a pupil who is in kindergarten or any
3 of grades 1 to 9, inclusive, and who is participating in a career
4 technical education element of a program established pursuant to
5 this article shall be at a site that complies with Section 8484.6.

6 (d) When an applicant submits an application to establish a
7 program pursuant to this article and when a grantee reviews its
8 after school program plan pursuant to subdivision (h), the applicant
9 or grantee shall include in the program plan a description of the
10 manner in which the program will support English language
11 development and acquisition for English learners if English learners
12 will or do comprise ~~25~~ 15 percent or more of the pupils enrolled
13 in a program. The plan shall include, but not be limited to, both
14 of the following:

15 (1) Strategies that increase knowledge and usage of the English
16 language through the four domains of language acquisition:
17 listening, speaking, reading, and writing.

18 (2) Methods for training and professional development of staff
19 that are designed to support English language development and
20 acquisition for English learners.

21 (e) Applicants shall agree that snacks made available through
22 a program shall conform to the nutrition standards in Article 2.5
23 (commencing with Section 49430) of Chapter 9 of Part 27 of
24 Division 4 of Title 2.

25 (f) Applicants for programs established pursuant to this article
26 may include any of the following:

27 (1) A local educational agency, including, but not limited to, a
28 charter school, the California School for the Deaf (northern
29 California), the California School for the Deaf (southern
30 California), and the California School for the Blind.

31 (2) A city, county, or nonprofit organization in partnership with,
32 and with the approval of, a local educational agency or agencies.

33 (g) Applicants for grants pursuant to this article shall ensure
34 that each of the following requirements is fulfilled, if applicable:

35 (1) The application documents the commitments of each partner
36 to operate a program on that site or sites.

37 (2) The application has been approved by the school district, or
38 the charter school governing board, and the principal of each
39 participating school for each schoolsite or other site.

1 (3) Each partner in the application agrees to share responsibility
2 for the quality of the program.

3 (4) The application designates the public agency or local
4 educational agency partner to act as the fiscal agent. For purposes
5 of this section, “public agency” means only a county board of
6 supervisors or if the city is incorporated or has a charter, a city
7 council.

8 (5) Applicants agree to follow all fiscal reporting and auditing
9 standards required by the department.

10 (6) Applicants agree to incorporate into the program both of the
11 elements required pursuant to subdivision (c).

12 (7) Applicants agree to provide information to the department
13 for the purpose of program evaluation pursuant to Section 8483.55.

14 (8) Applicants shall certify that program evaluations will be
15 based upon Section 8484 and upon any requirements recommended
16 by the Advisory Committee on Before and After School Programs
17 and adopted by the state board, in compliance with subdivision
18 (g) of Section 8482.4.

19 (9) The application states the targeted number of pupils to be
20 served by the program.

21 (10) Applicants agree to provide the following information on
22 participating pupils to the department:

23 (A) Schoolday attendance rates.

24 (B) Pupil test scores from the Standardized Testing and
25 Reporting Program established under Section 60640, reflecting
26 achievement in the areas addressed by required program elements,
27 if assessments have been established in that area.

28 (C) Program attendance.

29 (h) (1) Grantees shall review their after school program plans
30 every three years, including, but not limited to, all of the following:

31 (A) Program goals. A grantee may specify any new program
32 goals that will apply to the following three years during the grant
33 renewal process.

34 (B) Program content, including the elements identified in
35 subdivision (c).

36 (C) Outcome measures selected from those identified in
37 subdivision (a) of Section 8484 that the grantee will use for the
38 next three years.

39 (D) Any other information requested by the department.

1 (E) If the program goals or outcome measures change as a result
2 of this review, the grantee shall notify the department in a manner
3 prescribed by the department.

4 (F) The grantee shall maintain documentation of the after school
5 program plan for a minimum of five years.

6 (2) The department shall monitor this review as part of its onsite
7 monitoring process.

8 *SEC. 3. Section 8483.55 of the Education Code is amended to*
9 *read:*

10 8483.55. (a) From the funds appropriated pursuant to
11 subdivision (b) of Section 8483.5, the department may spend 1.5
12 percent to cover evaluation costs and to provide training and
13 support to ensure quality program implementation, development,
14 and sustainability and may pay its costs of awarding and monitoring
15 grants.

16 (b) Beginning with the 2006–07 fiscal year, 1.5 percent of the
17 funds appropriated pursuant to this article shall be available to the
18 department for purposes of providing technical assistance,
19 evaluation, and training services, and for providing local assistance
20 funds to support program improvement and technical assistance.

21 (1) (A) The department shall provide directly, or contract for,
22 technical assistance for new programs and any program that is not
23 meeting attendance or performance goals, or both, and requests
24 that assistance. The department shall allocate an appropriate level
25 of technical assistance funds to the regional system of support to
26 support program startup within 45 days after grant awards to
27 programs.

28 (B) *Technical assistance also shall include training and*
29 *professional development for supporting English language*
30 *development and acquisition for English learners pursuant to*
31 *subdivision (d) of Section 8482.3.*

32 (2) (A) Training and support shall include, but is not limited
33 to, the development and distribution of voluntary guidelines for
34 physical activity programs established pursuant to paragraph (2)
35 of subdivision (c) of Section 8482.3, that expand the learning
36 opportunities of the schoolday.

37 (B) The department shall distribute these voluntary guidelines
38 for physical activity programs on or before July 1, 2009.

39 (c) The department shall contract for an independent statewide
40 evaluation of the effectiveness of programs funded pursuant to

1 this article to be prepared and submitted to the Legislature. The
2 evaluation shall include a comparison of outcomes for participating
3 pupils and similarly situated pupils who did not participate in the
4 program. A report shall be submitted to the Governor and the
5 Legislature on or before October 1, 2011, providing data that
6 includes, but is not limited to, all of the following:

- 7 (1) Data collected pursuant to Section 8484.
- 8 (2) Data adopted through the process outlined in subdivision
9 (b) of Section 8421.5 and subdivision (g) of Section 8482.4.
- 10 (3) Number and type of sites and grantees participating in the
11 program.
- 12 (4) Pupil program attendance, as reported semiannually, and
13 pupil schoolday attendance, as reported annually.
- 14 (5) Pupil program participation rates.
- 15 (6) Quality of program drawing on the research of the Academy
16 of Sciences on critical features of programs that support healthy
17 youth development.
- 18 (7) The participation rates of local educational agencies.
- 19 (8) Local partnerships.
- 20 (9) The academic performance of participating pupils in English
21 language arts and mathematics, as measured by the results of the
22 Standardized Testing and Reporting (STAR) Program established
23 pursuant to Section 60640.

24 (d) A final report shall be submitted to the Governor and the
25 Legislature on or before December 1, 2011. The final report shall
26 include, but not be limited to, all of the following:

- 27 (1) Updated data on the measures specified in subdivision (b),
28 including, but not limited to, changes in those measures.
- 29 (2) The prevalence and frequency of activities included in
30 funded programs.

31 ~~SEC. 3.~~

32 *SEC. 4.* The Legislature finds and declares that this act furthers
33 the purposes of the After School Education and Safety Program
34 Act of 2002.